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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,899	06/25/2003	David C. Holland	HOL-1002CP	4893
24923	7590	05/24/2007		
PAUL S MADAN MADAN, MOSSMAN & SRIRAM, PC 2603 AUGUSTA, SUITE 700 HOUSTON, TX 77057-1130			EXAMINER HOEY, ALISSA L	
			ART UNIT 3765	PAPER NUMBER
			MAIL DATE 05/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,899

Applicant(s)

HOLLAND, DAVID C.

Examiner

Alissa L. Hoey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to amendment received on 03/15/07. Claims 1 and 11 have been amended and claims 1-7 and 11-14 are examined below.

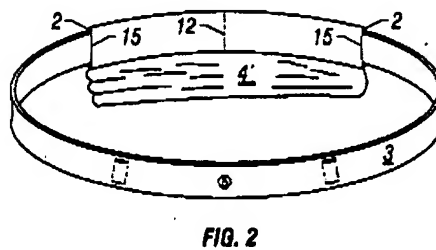
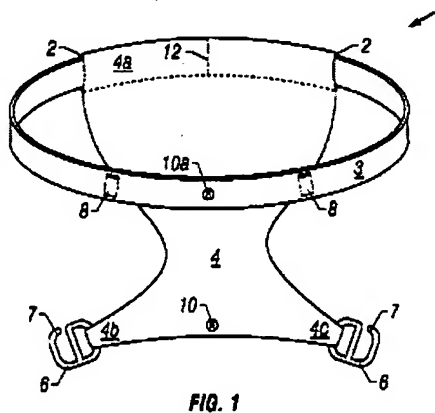
Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Holland (US 5,991,920).



In regard to Claims 11 and 12, Holland provides a swimsuit (1) comprising a loop (3) configured to completely encircle a human waist. A body (4) having a front end and a rear end (figure 1). A fastener (7) configured to detachably couple the rear end of the body (4) to the loop (3) and a storage compartment (2) on the front of the swimsuit (1) configured to stow the body (4). The loop (3) is positioned relative to the swimsuit body

(4) so that when the fastener (7) is attached the swimsuit may be worn by a user.

Further, Holland teaches the front end of the swimsuit body having a greater width than the rear of the swimsuit body (see figure 1, the end of the suit with storage pocket (2) is the front end and the back end is the end with the fastener (10), as seen in figure 1, the end with the pocket has a greater width than the end with the fastener).

4. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall (US 5,664,257).

In regard to Claims 1 and 2, Hall provides a swimsuit (10, 18, 32, 16, 30) having a loop (14) configured to completely encircle a human waist. A fastening device (22) configured to couple a first part of the swimsuit body (18) to a second part of the swimsuit body (18) (see figures 3, 4, and 5). The first part and second part of the fastening device (22) are not located on the loop (14) (see figure 2, 3, and 5). A storage compartment on the swimsuit body configured to stow the body (compartment formed in figure 4 can stow the interior of the suit, the strap portions (30) and the loop portions 32)). The loop (14) is positioned relative to the swimsuit body (18) so that when the fastening device (22) is engaged the swimsuit (10) can be secured on a user's body (figure 5: see loop 14 attached around a user's wrist).

In regard to Claim 5, Hall provides a method of removing a swimsuit body (10, 32, 30, 18, 16) that is separable at one point by a fastening device (22) while leaving the swimsuit loop (14) attached to a human body (figure 5 and figure 3: capable of loop being engaged around users' body regardless of the fastening device 22 being opened or closed). Decoupling the fastening device (22) on a body of the swimsuit (18) and

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separating a first part of the body of the swimsuit (18) from a second part of the body of the swimsuit (18) (see figures 3, 4 and 5), compacting the body of the swimsuit into a small space and storing the compacted body of the swimsuit using at least one storage compartment on the body of the swimsuit (compartment formed in figure 4 can stow the interior of the suit, the strap portions (30) and the loop portions (32)). Finally, using the loop (14) that encircles the user for supporting the swimsuit (10) while compacted in the storage compartment on the user (figure 5: see loop 14 attached around the user's wrist).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holland.

Holland provides a collapsible swimsuit (1) as described above in claims 1 and 11. However, Holland fails to teach the loop being a decorative chain that is resistant to corrosion.

In regard to Claims 13 and 14, Holland provides a loop (3) comprises an elastic material and a tubular member (column 2, lines 26-29).

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to having provided the loop in a chain material that is resistant to corrosion because Applicant has not disclosed that providing the loop in a chain material that is resistant to corrosion provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the loop being any material including an elastic fabric material or a chain that is resistant to corrosion because as long as the loop secures the swimsuit to the user's waist it can be made out of any material as desired. Therefore, it would have been an obvious matter of design choice to modify Holland to obtain the invention as specified in claims 13 and 14.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall.

Hall provides a collapsible swimsuit as described above in claim 1. However, Hall fails to teach the loop being a decorative chain that is resistant to corrosion.

In regard to Claims 3 and 4 Hall provides a drawstring loop (14) and a tubular member (column 2, lines 32-44).

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to having provided the loop in a chain material that is resistant to corrosion because Applicant has not disclosed that providing the loop in a chain material that is resistant to corrosion provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary

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skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the loop being any material including a drawstring fabric material or a chain that is resistant to corrosion because as long as the loop secures the swimsuit to the user's waist it can be made out of any material as desired. Therefore, it would have been an obvious matter of design choice to modify Holland to obtain the invention as specified in claims 3 and 4.

Allowable Subject Matter

8. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 03/15/07 have been fully considered but they are not persuasive.

I) Applicant argues that Holland fails to teach a single fastener with detachably coupled to the rear end of the body to the loop.

Examiner notes that the claims are comprising not consisting of, so the fact that Holland has two fasteners does not mean that it doesn't have one fastener. Holland has two single fasteners and therefore reads on the limitation as claimed.

II) Applicant argues that Holland fails to teach a single fastener coupling to the rear end of the body to the loop.

Examiner notes that the front and rear ends of the suit are relative, depending how you are looking at the suit. It does not have to have anything with the front and rear

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of the user's body, since they are also relative. Holland teaches a single fastener coupling to the rear end of the body of the loop (see figures and as further detailed above).

III) Applicant argues that Hall fails to teach a compartment in which the body of the garment can be stowed.

Examiner disagrees, since Hall teaches the swimsuit body comprising identifiers numbers 18, 32, 30 and 16. When swimsuit portion 18 is formed into a storage portion by fastener 22, swimsuit body portion 32 and 30 are stowed in the storage portion 18.

IV) Applicant argues that Hall fails to teach a loop adapted to at least partially encircle a human waist.

The loop 14 is configured to encircle a waist. There is nothing preventing a user from securing the loop around a user's waist.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

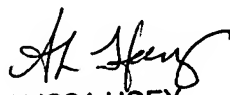
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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